

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventors : Johannes Lenkl
Title : APPLICATOR HEAD FOR AN APPLICATOR
Group Art Unit : 1791
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Docket : 3750-US /AD-13
Customer No. : 63721

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELLANT'S APPEAL BRIEF

This is an appeal from the Final Office Action dated July
2, 2008.

REAL PARTY IN INTEREST

The real party in interest is the assignee of record, Avery
Dennison Corporation.

RELATED APPEALS AND INTERFERENCES

There is no related appeal or interference.

STATUS OF CLAIMS

Claims 7 and 21 have been canceled.

Claims 1 through 6, 10 through 20, 22 through 24 and 26 through 31 have been rejected and are on appeal.

Claims 8, 9 and 25 have been allowed.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The following is a chart for each claim depicting the name of the element, its location in the specification, and its location in the drawings:

CLAIM 1

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
For an <u>applicator head</u> (10) for a device having an air suction source for applying labels to objects, comprising:	CL 1; 5/28	1-4
an <u>applicator surface</u> (44b) for connection to said air suction source and having <u>spaced</u>	CL 1; 8/22-26	3, 4
<u>perforatable weak locations</u> (44d, 44f) which can be selectively perforated to provide holes in a desired configuration.	CL 1; 8/27	3, 4

CLAIM 2

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 1, wherein the weak locations are <u>regularly arranged</u> .	CL 2; 2/25	3

CLAIM 3

<u>Claim Element</u>	<u>Location In Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 2, wherein the weak locations are distributed <u>over the entire</u> <u>applicator surface</u> .	CL 3	3

CLAIM 4

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 1, further comprising <u>grooves</u> (44c) in the applicator surface.	CL 4; 8/25	3

CLAIM 5

<u>Claim Element</u>	<u>Location In Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 3, wherein the weak locations are arranged in <u>columns</u> .	CL 5	3

CLAIM 6

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 1, further comprising: <u>an applicator pad (40) coupled to the applicator surface; and</u> <u>a mounting frame (20) releaseably connected to the applicator pad.</u>	CL 6; 6/3 CL 6; 6/4	3, 4 1, 4

CLAIM 10

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head for an applicator device as in claim 6, wherein the applicator pad (40) is <u>releasably lockable to the mounting frame of a locking device (24d, 42a).</u>	CL 10; 3/22-28; 7/18-27	3, 4

CLAIM 11

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>
An applicator head as in claim 10, wherein the locking device comprises a <u>spring-loaded ball.</u>	CL 11; 3/24

CLAIM 12

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 10, <u>wherein an abutment means (42a) is formed by the locking device.</u>	CL 12; 7/28-8/7	3, 4

CLAIM 13

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 6, <u>wherein the applicator pad (40) is formed from a carrier plate (42) and an applicator plate (44).</u>	CL 13; 7/13-17	3, 4

CLAIM 14

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 13, <u>wherein the applicator plate (44) and the carrier plate (42) are non- releasably connected together.</u>	CL 14; 5/2-4; 8/18	4

CLAIM 15

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 13, further comprising <u>a second surface parallel to the applicator surface,</u>	CL 15; 9/1-8	5
the second surface having <u>at least two further weak locations (44f)</u> which are aligned with the weak locations at the applicator surface.	CL 15; 9/1-8	4, 5

CLAIM 16

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 1, wherein the <u>weak locations (44d, 44f) are perforatable by a tool having a handle.</u>	1/28, 29	3, 5

CLAIM 17

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 13, wherein the carrier plate (42) is provided with <u>a coupling for releasable attachment with the suction air source.</u>	CL 17; 5/28-6/4	3, 4

CLAIM 18

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 13, wherein the <u>applicator plate (44) is comprised of a deformable material.</u>	CL 18; 4/3, 4	3 - 5

CLAIM 19

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 1, wherein <u>the weak locations (44d, 44f) are arranged in a raster grid configuration.</u>	CL 3; 8/27	3

CLAIM 20

<u>Claim Element</u>	<u>Location In Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 1, wherein <u>the weak locations are arranged in rows and columns.</u>	CL 5	3

CLAIM 22

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 13, wherein <u>the applicator plate includes the applicator surface (44b).</u>	CL 13; 8/22-24	3, 4

CLAIM 23

<u>Claim Element</u>	<u>Location In Specification (P/L)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 13, wherein <u>the carrier plate (42) and the applicator plate (44) define at least one hollow space (46) between them.</u>	9/12-17	4 4

CLAIM 24

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 14, wherein <u>the applicator plate (44) and the carrier plate (42) are glued together.</u>	CL 14; 10/12-14	4

CLAIM 26

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator head as in claim 18, wherein <u>the deformable material is plastic.</u>	CL 18; 4/3, 4	4, 5

CLAIM 27

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
For an applicator head for <u>a device having an air suction source</u> for applying labels to objects: an <u>applicator plate (44)</u> composed of a <u>perforatable material</u> and having spaced <u>perforatable weak locations</u> , (44d, 45f) wherein <u>only selected ones of the perforatable weak locations are perforated to provide holes through the plate in a desired configuration</u> .	CL 1; 5/28	1-5
	CL 1; 7/13-17	1-5
	8/27	4, 5
	CL 1; 4/12-19	4, 5
		2-5

CLAIM 28

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator plate as defined in claim 27, <u>wherein the weak locations (44d, 44f) are arranged in a grid configuration</u> .	CL 3; 8/27	3

CLAIM 29

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
An applicator plate as defined in claim 27 in combination <u>with an applicator head (10)</u> .	CL 1; 5/29-6/4	1-4

CLAIM 30

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
Method of making an <u>applicator plate (44)</u> useful in a <u>suction-type label applicator head</u> , comprising:	CL 1; 5/28 CL 1; 5/28	1-4 1-4
providing an <u>applicator plate having spaced perforatable weak locations (44d, 44f)</u> , and	Cl 1, 2; 7/13-17	3-5
<u>thereafter perforating only selected ones of the weak locations of the plate to form an operational surface of a desired configuration of holes through the plate.</u>	CL 1; 9/12-19	2-4

CLAIM 31

<u>Claim Element</u>	<u>Location In Specification (P/L) and Original Claim (CL)</u>	<u>Location In Drawing (FIGS.)</u>
Method as defined in claim 30, including <u>thereafter assembling the applicator plate (44) onto an label applicator head (10).</u>	10/12-21	1-5

The claimed subject matter relates to a new, useful, unobvious and commercial applicator plate (44) having an applicator surface (44b) which can be inserted and removed form an applicator head (10). The applicator head is attached to an applicator device (not shown) which can provide a source of vacuum to hold labels or the like onto the applicator plate.

The applicator plate is manufactured with spaced weak areas (44d, 44f) which prevent any flow of air through the applicator plate (44). The user of the applicator device will desire to apply labels of a particular size and shape to items. In order to adapt the applicator plate to the labels of the desired size and shape, the user can break through or perforate the weak locations in a pattern according to the desired label to be applied. (Of course, this adaptation of the plate to the desired label can alternatively be done by the manufacturer.) The applicator plate can then be slid into position on the applicator head, ready for use.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

REJECTION I

Whether or not claims 1 through 6, 13, 16, 17, 19, 20, 22, 23 and 27 through 31 are rejectable under 35 U.S.C. 102(b) as being anticipated by French (U.S. Patent 3, 888, 725).

REJECTION II

Whether or not claims 1 through 5, 13, 15, 18 and 26 are rejectable under 35 U.S.C. 102(b) as being anticipated by Becker (U.S. Patent 6,182, 957).

REJECTION III

Whether or not claims 1 through 4, 6, 10, 13, 15 through 17, 19, 20, 22, 23 and 27 through 31 are rejectable over VonHofe (U.S. Patent 2,492,908) in view of Becker (U.S. Patent 6,182,957).

REJECTION IV

Whether or not claims 11 and 12 are rejectable under 35 U.S.C. 103(a) as being unpatentable over VonHofe in view of Becker as applied to claims 1, 6 and 10 and further in view of Tiefel (U.S. patent 5,885,406).

REJECTION V

Whether or not claims 14 and 24 are rejectable under 35 U.S.C. 103(a) as being unpatentable over VonHofe in view of Becker as applied against claims 1 and 13 and further in view of Wood (U.S. Patent 3,377,096) or Wilson (U.S. Patent 5,024,574).

ARGUMENT

REJECTION I, CLAIM 1

Claim 1 defines the invention as for an applicator head for a device having an air suction source for applying labels to objects, comprising an applicator surface for connection to said air suction source and having spaced perforatable weak locations which can be selectively perforated to provide holes in a desired configuration.

The prior art reference is the French patent which discloses an upper end plate 65, a lower end plate 67 having a plurality of threaded apertures 101, and a plate-like section 115 having a plurality openings 117. The number and locations of the openings 117 are selected in accordance with the desired air pattern configuration. For example, the peripheral row of apertures 117 may lie just inside the periphery of the label 45. Tubes 103 are threaded into the threaded apertures 103 which are aligned with the openings 117 in the plate-like section 115. A label 45 can be held to the underside of a grid 31 by negative air pressure. The tubes 103 extend into slots 35 in the grid 31 to a position closely adjacent the label 45.

The French patent has no teaching of "an applicator surface . . . having spaced perforatable weak locations . . ." and certainly there is no teaching in the French patent of "an applicator surface . . . having spaced perforatable weak locations which can be selectively perforated to provide holes in a desired configuration". Clearly claim 1 is not anticipated by the French patent.

REJECTION I, CLAIM 2

Claim 2 is allowable for the same reasons as claim 1. In addition, in that the French patent fails to teach "weak locations" there is likewise no teaching of weak locations that are regularly arranged.

REJECTION I, CLAIM 3

Claim 3 is allowable for the same reasons as claim 2. In addition, in that the French patent fails to teach "weak locations" there is likewise no teaching of weak locations distributed over the entire applicator surface.

REJECTION I, CLAIM 4

Claim 4 is allowable for the same reasons as claim 1. In addition, French fails to teach grooves in an applicator surface which has weak locations.

REJECTION I, CLAIM 5

Claim 5 is allowable for the same reasons as claim 1. In addition because French fails to teach "weak locations", the French patent fails to teach weak location arranged in columns.

REJECTION I, CLAIM 6

Claim 6 is allowable for the same reasons as claim 1. The French patent fails to disclose an applicator pad coupled to the claimed applicator surface.

REJECTION I, CLAIM 13

Claim 13 is allowable for the same reasons as parent claim 6. The claimed applicator pad is simply not taught in the French patent.

REJECTION I, CLAIM 16

Claim 16 is allowable for the same reasons as parent claim 1. In addition, because no selectively perforatable weak locations are taught in the French patent, there is no teaching in French of any weak location perforatable by a tool having a handle.

REJECTION I, CLAIM 17

Claim 17 is allowable for the same reasons as parent claim 13.

REJECTION I, CLAIM 19

Claim 19 is allowable for the same reasons as claim 1. In that French fails to teach "weak locations" there is no teaching of weak locations arranged in a raster grid configuration.

REJECTION I, CLAIM 20

Claim 20 is allowable for the same reasons as claim 1. In that the French patent does not disclose weak locations, there is no disclosure in the French patent of weak locations arranged in rows and columns.

REJECTION I, CLAIM 22

Claim 22 is allowable for the same reasons as claim 13 and additionally because the plates 67 and 115 of the French patent do not have an applicator surface.

REJECTION 1, CLAIM 23

Claim 23 is allowable for the same reasons as claim 13 because there is no hollow space between the plates 67 and 115 of the French patent.

REJECTION I, CLAIM 27

Claim 27 defines an invention for an applicator head for a device having an air suction source for applying labels to objects, comprising an applicator plate comprised of a perforatable material and having spaced perforatable weak locations, wherein only selected ones of the perforatable weak locations are perforated to provide holes through the plate in a desired configuration.

As stated above the French patent does not teach the use of weak locations. Thus, there are no weak locations in the French patent that could be perforated to provide holes through the plate in a desired configuration.

REJECTION I, CLAIM 28

Claim 28 is allowable for the same reasons as parent claim 27. In that there is no teaching in the French patent of weak locations, there is also no teaching of weak locations arranged in a grid configuration.

REJECTION I, CLAIM 29

Claim 29 is allowable for the same reasons as parent claim 27.

REJECTION I, CLAIM 30

Claim 30 defines the method of making an applicator plate useful in a suction-type label applicator head, comprising providing an applicator plate having spaced perforatable weak locations and thereafter perforating only selected ones of the weak locations of the plate to form an operational surface of a desired configuration of holes through the plate.

The French patent has no teaching of providing a plate with weak locations and thereafter perforating only selected ones of the weak locations for the stated purpose.

REJECTION I, CLAIM 31

Claim 31 is allowable for the same reasons as claim 30. In French there is no application made according to claim 30 which could be assembled onto an applicator head.

REJECTION II, CLAIM 1

Claim 1 was explained above. The Becker patent has patent drawings that are east to misinterpret as the Examiner has done. It should be noted when reviewing he drawings of the Becker patent that the entire apparatus is essentially constituted of transparent material. Please see Col. 2, lines 60-163, Col. 4, lines 60-64 and Col. 5 lines 56-62. The Becker apparatus has an upper flat plate 14 (FIG. 3) with regularly spaced through holes. Beneath the plate 14 is a lower plate 16

(FIG. 5) with various channels. FIG. 1 shows the flat plate and beneath it the lower plate 16. Because the plate 14 is transparent, one is able to see the underlying lower plate 16 in the drawings. FIG. 1 should have had flash shade lines showing that the plate 14 is transparent and, therefore, that the underlying plate 16 is visible. The plates 14 and 16 form a chamber with various vacuum ports. All Becker discloses is through holes. In particular the plate 14 is just a flat plate. In column 4, lines 57 through 60, it states: "The top plate 14 is a flat thin plate having a multiplicity of small closely spaced apertures extending therethrough, as shown in FIG. 3 and 4 of the drawing." [Emphasis added.] The Examiner has attributed to the Becker patent teachings it does not possess. There is no weak location in Becker which can be selectively perforated to provide holes in a desired configuration.

REJECTION II, CLAIM 2

Claim 2 is allowable for the same reasons as claim 1. In that the Becker patent fails to teach perforatable weak locations that can be selectively perforated, it additionally does not teach weak locations that are regularly arranged.

REJECTION II, CLAIM 3

Claim 3 is allowable for the same reasons as claim 1. Additionally, in that the Becker patent fails to teach perforatable weak locations that can be selectively perforated, the Becker patent fails to teach weak locations distributed over the entire applicator surface.

REJECTION II, CLAIM 4

Claim 4 is allowable for the same reasons as claim 1. Additionally, there are no grooves in the flat applicator surface of the Becker patent.

REJECTION II, CLAIM 5

Claim 5 is allowable for the same reasons as claim 1. In addition, the Becker patent fails to teach that weak locations are arranged in columns.

REJECTION II, CLAIM 13

While claim 13 was rejected as anticipated by the Becker patent as anticipated by the Becker patent, its parent claim 6 was not rejected as anticipated by the Becker patent. Claim 6 further defines the invention of claim 1 by defining an applicator pad coupled to the applicator surface and a mounting frame releasably connected to the applicator pad. In the Becker patent, it states: "The plates 14 and 16 may be adhesively and sealingly fastened together along their joint peripheries so as to form a closed sandwich-like construction." In column 6 it states: "The bottom plate 16 . . . may be chemically welded to the front plate 14 . . ." If the plates 14 and 16 together are considered to be an application pad, it is not clear that a mounting frame is releasably connected to such an applicator pad. Claim 13 is submitted to be allowable for the same reasons as its parent claim 6.

REJECTION II, CLAIM 15

Claim 15 is submitted to be allowable for the same reasons as its parent claim 1. The Becker patent teaches neither the weak locations nor further locations aligned with the weak locations. Becker teaches neither. It is not seen that there is nay possibility that claim 15 could be anticipated by the Becker patent.

REJECTION II, CLAIM 18

Claim 18 is allowable for the same reasons as claim 13. In that because the Becker apparatus is devoid of any weak location, the recitation of deformable material is irrelevant to the Becker apparatus.

REJECTION II, CLAIM 26

Claim 26 is allowable for the same reasons as stated with respect to claim 18 above.

REJECTION III, CLAIM 1

Claim 1 has been explained above.

The Examiner admits on page 6 of the Final Office Action that "VonHofe fails to show the weak locations being recesses." The fact is that VonHofe fails to teach any weak location, much less a perforatable weak location that can be selectively perforated to provide holes in a desired configuration. In particular, the VonHofe patent discloses a suction head 17 with a plate 30 that mounts a plate 36. There are a multiplicity of transverse, vertically-disposed passageways 37 which

communicate with the suction chamber. The plate 36 is a metal plate 39 against which a label A is blown at the pick-up station 18. The plate 39 is provided with a plurality of transverse, vertically-disposed through passages 40 which are in alignment with the passageways 37. Secured to the intermediate plates 36 and 39 is a metal shim 41 to permit passage of air through only those passageways 37 and 40 which are contained in an area determined by the size and shape of the label A'. The shim 41 is cut out as shown at 42 in the exact size and configuration as the label A' as shown in FIG. 3. The area of the cut out 42 is the only area through which vacuum can exist because the outlying passageways are blocked. In the FIG. 5 version, the shim has perforation which must be aligned with passageways in the plates 36 and 39 while the outlying passageways are blocked. As admitted by the Examiner, there is no teaching of weak locations in VonHofe. The same is true about the Becker patent. The Becker patent teaches nothing useful in modifying VonHofe because both have the same failings.

REJECTION III, CLAIM 2

Claim 2 is allowable for the same reasons as parent claim 1. In addition, both VonHofe and Becker fail to teach weak locations, they also fail to teach weak locations that are regularly arranged.

REJECTION III, CLAIM 3

Claim 3 is allowable for the same reasons as parent claim 2. In addition, both VonHofe and Becker fail to teach weak locations distributed over the entire applicator surface.

REJECTION III, CLAIM 4

Claim 4 is allowable for the same reasons as parent claim 1.

REJECTION III, CLAIM 6

Claim 10 is allowable for the same reasons as parent claim 1.

REJECTION III, CLAIM 13

Claim 13 is allowable for the same reasons as parent claim 1.

REJECTION III, CLAIM 15

Claim 15 is allowable for the same reasons as claim 13. In addition to VonHofe and Becker failing to disclose weak locations, they also fail to disclose further weak locations aligned with the first-mentioned weak locations. By no stretch does the applied reference come even close to suggesting this structure.

REJECTION III, CLAIM 16

Claim 16 is allowable for the same reasons as parent claim 1. In addition, because there is no teaching of weak locations, there is no suggestion of weak locations perforatable by a tool having a handle.

REJECTION III, CLAIM 17

Claim 17 is allowable for the same reasons as claim 1.

REJECTION III, CLAIM 19

Claim 19 is allowable for the same reasons as claim 1. In that neither VonHofe nor Becker teach perforatable weak locations, neither teaches weak location arranged in a raster grid configuration.

REJECTION III, CLAIM 20

Claim 20 is allowable for the same reasons as claim 1. In that neither VonHofe nor Becker teach perforatable weak location, neither teaches weak location arranged in rows and columns.

REJECTION III, CLAIM 22

Claim 22 is allowable for the same reasons as claim 1.

REJECTION III, CLAIM 23

Claim 22 is allowable for the same reasons as claim 1.

REJECTION III, CLAIM 27

Claim 27 has been explained above. Claim 27 is allowable for the same reasons as claim 1.

REJECTION III, CLAIM 28

Claim 28 is allowable for the same reasons as claims 1 and 27. In addition, both VonHofe and Becker fail to teach weak locations arranged in a grid configuration.

REJECTION III, CLAIM 29

Claim 29 is allowable for the same reasons as claim 1 and 27.

REJECTION III, CLAIM 30

Method claim 30 has been explained above. By no means is there any teaching in VonHofe or Becker of the claimed method. Providing an applicator plate having spaced perforatable weak locations and thereafter perforating only selected ones of the weak locations of the plate to form an operational surface of a desired configuration of holes through the plate is nowhere taught by the VonHofe and Becker references.

REJECTION III, CLAIM 31

Claim 31 is allowable for the same reasons as claim 30. In that the method set forth in claim 30 is not taught, neither is the step of "thereafter assembling the application plate onto a label applicator head."

REJECTION IV, CLAIM 11

Parent claim 10 was rejected as unpatentable over VonHofe in view of Becker. Neither VonHofe nor Becker

teaches perforatable weak locations which can be selectively perforated to provide holes in a desired configuration. Claim 11 is submitted to be allowable for the reason there is no teaching thereof in any one or all of VonHofe, Becker and Tiefel, notwithstanding that Tiefel discloses a ball detent.

REJECTION IV, CLAIM 12

Claim 12 is submitted to be allowable over the three references in that both VonHofe and Becker fail to disclose that which is claimed. The Examiner never explained where in Tiefel or elsewhere the claimed "abutment means" is disclosed. Wood and Wilson are relied upon to teach gluing. It is noted that Becker also teaches using adhesives (Col. 4, line 61 and chemical welding Col. 6, line 9). However, this does not matter because all three applied references fail to disclose the use of perforatable weak locations for the claimed purpose.

REJECTION V, CLAIM 14

Claim 14 was rejected as unpatentable over VonHofe in view of Becker and Wood or Wilson. Claim 14 is allowable over these references because none teaches "an applicator surface for connection to said air suction source and having spaced perforatable weak locations which can be selectively perforated to provide holes in a desired configuration." The use of three references all of which fail to teach the claimed structure shows the weakness of the individual rejections.

REJECTION V, CLAIM 24

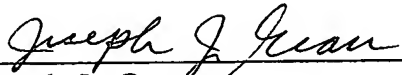
Claim 24 is allowable for the reasons expressed with respect to claim 14.

CONCLUSION

For the above reasons, the rejections are not well founded. Claims 1 through 4 were rejected on three different sets of references. Three separate rejections were used against claim 13. Two separate rejections were used against claims 5, 6, 19, 20, 22, 23 and 27 through 31. And yet, all the rejections fail to make out ever a prima facie case, as is clear from the foregoing arguments.

It is respectfully requested that all the claims on appeal be found allowable to Appellant.

Respectfully submitted,



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CLAIMS APPENDIX

1. For an applicator head for a device having an air suction source for applying labels to objects, comprising:
an applicator surface for connection to said air suction source and having spaced perforatable weak locations which can be selectively perforated to provide holes in a desired configuration.
2. An applicator head as in claim 1, wherein the weak locations are regularly arranged.
3. An applicator head as in claim 2, wherein the weak locations are distributed over the entire applicator surface.
4. An applicator head as in claim 1, further comprising grooves in the applicator surface.
5. An applicator head as in claim 3, wherein the weak locations are arranged in columns.
6. An applicator head as in claim 1, further comprising:
an applicator pad coupled to the applicator surface; and
a mounting frame releaseably connected to the applicator pad.
10. An applicator head for an applicator device as in claim 6, wherein the applicator pad is releasably lockable to the mounting frame of a locking device.
11. An applicator head as in claim 10, wherein the locking device comprises a spring-loaded ball.
12. An applicator head as in claim 10, wherein an abutment means is formed by the locking device.

13. An applicator head as in claim 6, wherein the applicator pad is formed from a carrier plate and an applicator plate.

14. An applicator head as in claim 13, wherein the applicator plate and the carrier plate are non-releasably connected together.

15. An applicator head as in claim 13, further comprising a second surface parallel to the applicator surface, the second surface having at least two further weak locations which are aligned with the weak locations at the applicator surface.

16. An applicator head as in claim 1, wherein the weak locations are perforatable by a tool having a handle.

17. An applicator head as in claim 13, wherein the carrier plate is provided with a coupling for releasable attachment with the suction air source.

18. An applicator head as in claim 13, wherein the applicator plate is comprised of a deformable material.

19. An applicator head as in claim 1, wherein the weak locations are arranged in a raster grid configuration.

20. An applicator head as in claim 1, wherein the weak locations are arranged in rows and columns.

22. An applicator head as in claim 13, wherein the applicator plate includes the applicator surface.

23. An applicator head as in claim 13, wherein the carrier plate and the applicator plate define at least one hollow space between them.

24. An applicator head as in claim 14, wherein the applicator plate and the carrier plate are glued together.

26. An applicator head as in claim 18, wherein the deformable material is plastic.

27. For an applicator head for a device having an air suction source for applying labels to objects: an applicator plate composed of a perforatable material and having spaced perforatable weak locations, wherein only selected ones of the perforatable weak locations are perforated to provide holes through the plate in a desired configuration.

28. An applicator plate as defined in claim 27, wherein the weak locations are arranged in a grid configuration.

29. An applicator plate as defined in claim 27 in combination with an applicator head.

30. Method of making an applicator plate useful in a suction-type label applicator head, comprising:

providing an applicator plate having spaced perforatable weak locations, and

thereafter perforating only selected ones of the weak locations of the plate to form an operational surface of a desired configuration of holes through the plate.

31. Method as defined in claim 30, including thereafter assembling the applicator plate onto an label applicator head.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None